

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MARTEZ KIMBROUGH,)
)
Plaintiff,)
)
vs.) Case No. 4:10CV438SNLJ
)
MICHAEL J. ASTRUE,)
Commissioner of Social Security,)
)
Defendant.)

ORDER

This matter is before the Court on the plaintiff's application for attorney's fees pursuant to the Equal Access to Justice Act (EAJA), 28 U.S.C. §2412 in the total amount of \$1852.14, representing 10.6 hours of billable work at the rate of \$ 174.73 per hour [23], filed December 20, 2010. Defendant agrees to the requested award of EAJA fees in the total amount of \$ 1852.14 [24], filed December 30, 2010. Furthermore, although plaintiff requests that the EAJA fees be paid directly to plaintiff's counsel; the defendant correctly notes that in accordance with Astrue v. Ratliff, 130 S.Ct. 2521 (2010), the EAJA fee is payable to the plaintiff as the litigant and is subject to offset to satisfy any pre-existing debt that the plaintiff may owe to the United States.

The Court has carefully reviewed the plaintiff's application for EAJA fees, and in light of no objection to same by defendant Commissioner, the Court finds same to be reasonable. Furthermore, the Court finds that payment of the subject EAJA fees will be paid to the plaintiff pursuant to Astrue v. Ratliff, 130 S.Ct. 2521 (2010).

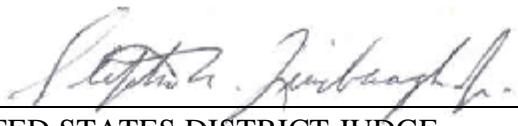
Accordingly,

IT IS HEREBY ORDERED that plaintiff's application for attorney's fees pursuant to the EAJA [23] be and is **GRANTED**. Plaintiff shall be awarded attorney's fees in the total amount of \$1852.14.

IT IS FURTHER ORDERED that payment of said attorney's fees shall be made to plaintiff Martez Kimbrough.

IT IS FINALLY ORDERED that United States Magistrate Judge Frederick R. Buckles' Report and Recommendation [25], filed January 19, 2011 be and is **SUSTAINED, ADOPTED** and **INCORPORATED** herein.

Dated this 4th day of February, 2011.



UNITED STATES DISTRICT JUDGE